

REMARKS

The Official Action mailed September 15, 2003, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicants respectfully submit that this response is being timely filed.

The Applicants note with appreciation the consideration of the Information Disclosure Statement filed on April 2, 2002. A further Information Disclosure Statement is submitted herewith and consideration of this Information Disclosure Statement is respectfully requested.

Claims 1, 2, 15, 16 and 21-31 were pending in the present application prior to the above amendment. Claims 1, 2, 15, 16, 21 and 25 have been canceled, and new claims 32-40 have been added to recite additional protection to which the Applicants are entitled. Accordingly, claims 22-24 and 26-40 are now pending in the present application, of which claims 22-24 and 32-34 are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

The Official Action rejects claims 1, 2, 15, 16 and 21-31 as obvious based on the combination of U.S. Patent No. 5,981,974 to Makita or U.S. Patent No. 5,583,369 to Yamazaki et al., and U.S. Patent No. 5,990,542 to Yamazaki. The Applicants respectfully traverse the rejection because the Official Action has not made a *prima facie* case of obviousness.

As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the

teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims. As noted above, claims 1, 2, 15, 16, 21 and 25 have been canceled. With respect to independent claims 22-24, the Official Action asserts that "Makita or Yamazaki '369 and Yamazaki '542 together disclose all the structures set forth in the claimed invention" (page 2, Paper No. 16). The Official Action does not provide any further argument to support the rejection of claims 22-24. The Applicants respectfully disagree with the above-referenced assertion. Makita or Yamazaki '369 and Yamazaki '542 do not teach or suggest at least a second insulating film over a first insulating film, where the second insulating film is in contact with the insulating surface, as recited in the independent claims of the present invention.

Since Makita or Yamazaki '369 and Yamazaki '542 do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

New claims 32-40 have been added. New independent claims 32-34 are similar to independent claims 22-24 except that claims 32-34 also recite the feature "at least one p-channel thin film transistor and at least one n-channel thin film transistor."

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,



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